

**REMARKS**

This is in response to the Office Action mailed on April 16, 2007, in which claims 1, 3, 7, 8, and 10-15 were rejected under 35 U.S.C. § 102(e) as being anticipated by Lin et al. (U.S. Pat. App. Pub. 2003/0189798); and claims 4-6 and 16 were rejected under U.S.C. § 103 as being unpatentable over Lin et al. With this Amendment, claims 1 and 11 are amended and claims 27-29 are added. Claims 1, 3-8, 10-24, and 27-29 are pending in the present application.

**Claims 1, 3-8, and 10**

Claims 1, 3, 7, 8, and 10 were rejected under 35 U.S.C. § 102(e) as being anticipated by Lin et al. In order to reject a claim under § 102(e), the reference must teach each and every limitation of the claims. MPEP 2131; *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 2 USPQ2d 1051 (Fed. Cir. 1987). With this Amendment, claim 1 is amended. Amended claim 1 recites a magnetic sensor comprising “a sensor stack having a physical width with a corresponding electrical width and a physical height with a corresponding electrical height.” The magnetic sensor of amended claim 1 also includes “means for generating an electric field in a direction generally transverse to a direction of sense current flow through the sensor stack to create a charge carrier depleted region in the sensor stack such that at least one of (a) the electrical width is smaller than the physical width and (b) the electrical height is smaller than the physical height.”

The Office Action states that Lin et al. teach the functional limitations as recited in the means plus function clause of claim 1. Unless an element performs the identical function specified in the claim, it cannot be an equivalent for the purposes of 35 U.S.C. 112, sixth paragraph. *Pennwalt Corp. v. Durand-Wayland, Inc.*, 833 F.2d 931, 4 USPQ2d 1737 (Fed. Cir. 1987). The function recited in amended claim 1 is “generating an electric field in a direction generally transverse to the direction of sense current flow through the sensor stack to create a charge carrier depleted region in the sensor stack.” Consequently, unless Lin et al. teach an element that performs this function, there is no identity of function between Lin et al. and claim 1.

Lin et al. teach a GMR read head 200 including a read sensor 204 and a longitudinal bias (LB) stack 208 in a read region 212. Paragraph 0029. A monolayer photoresist 260 is deposited, exposed, and developed in order to open the read trench region 212 for the definition of a

read width. By then reactive ion etching first conductor layer 236, two spaced apart portions 262 of first conductor layer 236 are created, each having a sharply defined opposing face 292 that serves to help define the read width 212 of the GMR read head 200. Paragraph 0031.

The Office Action refers to first two spaced apart portions 262 of first conductor layer 236 and second conductor layer 280 in Lin et al. as satisfying the means-plus-function limitation of claim 1. Office Action, page 2. However, Lin et al. do not teach or fairly suggest that spaced apart portions 262, second conductor layer 280, or any other structure in the device of Lin et al. generate an electric field in a direction generally transverse to the direction of sense current flow through the sensor stack to create a charge carrier depleted region in the sensor stack, as required by claim 1. In particular, the description of the function of spaced apart portions 262 and second conductor layer 280 in Lin et al. is extremely limited, and there is no disclosure in either paragraphs 0004 and 0008 (which were cited in the Office Action in the rejection of claim 1) or anywhere else in Lin et al. indicating that these elements generate an electric field in a direction generally transverse to the sense current. Even if it were supposed that spaced apart portions 262 and second conductor layer 280 function to generate an electric field, they also deliver the sense current to stack 208, since Lin et al. is a current-in-plane device. Consequently, the direction of the electric field and the sense current would be parallel with each other, which is contrary to the recited function in claim 1. Therefore, because there is no identity of function between any element of Lin et al., the recited elements of claim 1 are not disclosed by the prior art, and the rejection to claim 1 under 35 U.S.C. § 102(e) should be withdrawn.

Claims 2, 3, 7, 8, and 10 were also rejected under 35 U.S.C. § 102(e) as being anticipated by Lin et al. Claims 2, 3, 7, 8, and 10 depend from claim 1. As discussed above, claim 1 is not anticipated or otherwise taught by Lin et al. Therefore, claims 2, 3, 7, 8, and 10 are also not anticipated or otherwise taught by Lin et al.

Claims 4-6 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Lin et al. Claims 4-6 depend from allowable claim 1, and as such are allowable with their respective independent base claims. In addition, it is respectfully submitted that the combinations of features recited in claims 4-6 are patentable on their own merits, although this does not need to be specifically

addressed herein since any claim depending from a patentable independent claim is also patentable. See MPEP 2143.03, citing *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988).

#### Claims 11-24

Claims 11-15 were rejected under 35 U.S.C. § 102(e) as being anticipated by Lin et al.

With this Amendment, claim 11 is amended. Amended claim 11 recites a magnetoresistive read head comprising a magnetoresistive stack and “a first bias electrode positioned with respect to the magnetoresistive stack to generate an electric field in a direction generally transverse to a direction of sense current flow through the sensor stack such that a read width of the magnetoresistive stack is a function of a bias voltage applied to the first bias electrode.” This allows the resolution of the sensor to be increased without requiring adjustment of intricate physical dimensions. Page 6, lines 3-6 of the present application.

Lin et al. teach a GMR read head 200 including a read sensor 204 and a longitudinal bias (LB) stack 208 in a read region 212. Paragraph 0029. While the Office Action does not specifically address which structures in read head 200 teach the first bias electrode as recited in claim 11, the Office Action does refer to first two spaced apart portions 262 of first conductor layer 236 and second conductor layer 280 as satisfying the bias electrode limitations of claims that depend from claim 11. The description of second conductor layer 280 in Lin et al. is extremely limited, and there is no disclosure related to applying a bias voltage to this portion of read head 200, or that the read width of the read width of read sensor 204 is a function of a bias voltage applied to second conductor layer 280.

With regard to two spaced apart portions 262 and first conductor layer 236, Lin et al. teaches that two spaced apart portions 262 are formed by reactive ion etching (RIE) first conductor layer 236, and that each spaced apart portion 262 has a sharply defined opposing face 292 that serves to help define the read width 212 of the GMR read head 200. Paragraph 0031. The use of spaced apart portions 262 in overlay region 276 leads to substantial current shunting, which induces a magnetic field strong enough to align  $M_1$  in the two overlay regions 276 in a direction perpendicular to the ABS. Paragraph 0032. “The designed read width 212 can be substantially unambiguously

attained since three factors for defining the boundary between the read and overlay regions, one physically by the monolayer photoresist width, one magnetically by the LB stack, and the third electrically by the first conductor [236], *all lead to a substantially identical read width 212.*" Paragraph 0031, emphasis added. In other words, GMR read head 200 is designed such that the physical read width is identical to the electrical read width. Lin et al. do not disclose that a bias voltage is even applied to any portion of spaced apart portions 262 or second conductor layer 280, much less that the read width of GMR read sensor 204 is a function of a bias voltage applied to spaced apart portions 262, second conductor layer 280, or any other portion of GMR read sensor 204.

The Office Action refers to paragraphs 0004 and 0008 of Lin et al. in rejecting claim 11, but neither of these paragraphs, either alone or in combination with any other paragraph in Lin et al., discloses all the recited elements of claim 11. As set forth above with regard to the discussion of claim 1, paragraph 0004 gives background information about how one way to improve the performance of hard disk drives is to increase the areal data storage density of the magnetic hard disk, which can be accomplished by developing a sufficiently narrow read head having a narrow read width. However, what Applicants claim and what is novel over the prior art is the concept of positioning a first bias electrode with respect to the magnetoresistive stack to generate an electric field in a direction generally transverse to a direction of sense current flow through the sensor stack such that a read width of the magnetoresistive stack is a function of a bias voltage applied to the first bias electrode, as recited by claim 11. Lin's teaching of the general desirability of a narrow read width does not teach the specific structure defined by claim 11. Thus, paragraph 0004 of Lin et al. does not provide anything that can be fairly interpreted to teach or disclose the concept recited by claim 11.

Paragraph 0008 is the first paragraph of the summary of the invention section and generally sets forth the structure, operation, and fabrication of the magnetic head as disclosed in the detailed description. As stated in the first sentence of paragraph 0008, the giant magnetoresistance (GMR) read head has a "reactive-ion-etch (RIE) defined read width." RIE is a fabrication technique that is used to define the physical boundaries of an intricate structure. The GMR read head includes "a GMR read sensor and a longitudinal bias (LB) stack in a read region," and in some embodiments a

first conductor in two overlay regions. The GMR read sensor in the read region is active since the sense-layer magnetization can be rotated in response to signal fields, while the GMR sensor in the two overlay regions is inactive. Consequently, “a read width is sharply defined by the boundaries between the read and overlay regions.” In other words, the read width is not a function of a bias voltage applied to a first bias electrode. Thus, paragraph 0008, either alone or in combination with the teachings of paragraph 0004, do not teach or fairly suggest the recited elements of claim 11. Therefore, because the recited elements of claim 11 are not disclosed by the prior art, the rejection to claim 11 under 35 U.S.C. § 102(e) should be withdrawn.

Claims 12-15 were also rejected under 35 U.S.C. § 102(e) as being anticipated by Lin et al. Claims 12-15 depend from claim 11. As discussed above, claim 11 is not anticipated or otherwise taught by Lin et al. Therefore, claims 12-15 are also not anticipated or otherwise taught by Lin et al.

Claim 17 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Lin et al. Claim 17 depends from allowable claim 11, and as such is allowable therewith. In addition, it is respectfully submitted that the combination of features recited in claim 17 is patentable on its own merits, although this does not need to be specifically addressed herein since any claim depending from a patentable independent claim is also patentable. See MPEP 2143.03, citing *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988).

Claims 18-24 were previously withdrawn from consideration as being drawn to a non-elected species. Claims 18-24 depend from allowable independent claim 11. Thus, claim 18-24 should also be considered and allowed, since they depend from an allowable generic independent claim. See MPEP 809.02 and 37 C.F.R. 1.146.

#### New Claims

Claims 27-29 are added with this Amendment. Independent claim 27 is directed to the novel combination of a sensor stack with at least one electrode configured to generate an electric field in a direction generally transverse to a direction of sense current flow to confine the sense current to a smaller area in the magnetic sensor. Claims 28 and 29 depend from claim 27. Support

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for new claims 27-29 is found in the specification. None of the prior art of record discloses, teaches, or suggests such an arrangement to generate an electric field generally perpendicular to a sense current through the sensor stack. Consideration and allowance of new claims 27-29 are accordingly respectfully requested.

### CONCLUSION

In view of the foregoing, it is believed that all claims in the present application are in condition for allowance. Reconsideration and allowance of claims 1, 3-8, and 10-17 are respectfully requested. In addition, claims 18-24 should also be considered and allowed, since they depend from allowable generic independent claim 11. Furthermore, consideration and allowance of new claims 27-29 are respectfully requested. A Notice of Allowance with respect to all claims 1, 3-8, 10-24, and 27-29 is respectfully requested.

Respectfully submitted,

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